State Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(2) Method #6A–1 of attachment #2 of Cenex Harvest State Cooperatives' exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(3) Sections 3(B)(2), 4(B), and 6(B)(3) of Exxon's exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted on June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(4) Sections 2(A)(11)(d), 3(A)(1), 3(B)(1) and 4(C) of Exxon Mobil Corporation's exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(f) Administrative Rules of Montana 17.8.335 of the State's rule entitled "Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants," submitted by the Governor on January 16, 2003, is disapproved. We cannot approve this rule into the SIP because it is inconsistent with the Act (*e.g.*, sections 110(a) and 110(l)), prior rulemakings and our guidance.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995; 64 FR 68038, Dec. 6, 1999; 66 FR 42437, Aug. 13, 2001; 66 FR 55099, Nov. 1, 2001; 67 FR 22241, May 2, 2002; 68 FR 27911, May 22, 2003; 71 FR 4828, Jan. 30, 2006]

§§ 52.1385–52.1386 [Reserved]

§ 52.1387 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

§ 52.1388 Stack height regulations.

The State of Montana has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]

§ 52.1389 [Reserved]

§ 52.1390 Missoula variance provision.

The Missoula City-County Air Pollution Control Program's Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

§ 52.1391 Emission inventories.

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at § 52.1370(c)(60)), the Governor of Montana submitted a PM–10 emission inventory for the Thompson Falls area as a SIP revision. The PM–10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

§ 52.1392 Federal Implementation Plan for the Billings/Laurel Area.

(a) *Applicability*. This section applies to the owner(s) or operator(s), including any new owner(s) or operator(s) in the event of a change in ownership or operation, of the following facilities in the Billings/Laurel, Montana area: CHS Inc. Petroleum Refinery, Laurel Refinery, 803 Highway 212 South, Laurel, MT; ConocoPhillips Petroleum Refinery, Billings Refinery, 401 South 23rd St., Billings, MT; ExxonMobil Petroleum Refinery, 700 Exxon Road, Billings, MT; and Montana Sulphur & Chemical Company, 627 Exxon Road, Billings, MT.

(b) *Scope*. The facilities listed in paragraph (a) of this section are also subject to the Billings/Laurel SO$_2$ SIP, as approved at 40 CFR 52.1370(c)(46) and (52). In cases where the provisions of this FIP address emissions activities differently or establish a different requirement than the provisions of the approved SIP, the provisions of this FIP take precedence.

(c) *Definitions*. For the purpose of this section, we are defining certain words or initials as described in this paragraph. Terms not defined below that are defined in the Clean Air Act or regulations implementing the Clean Air Act, shall have the meaning set forth in the Clean Air Act or such regulations.

(1) *Aliquot* means a fractional part of a sample that is an exact divisor of the whole sample.

(2) *Annual Emissions* means the amount of SO$_2$ emitted in a calendar year, expressed in pounds per year rounded to the nearest pound, where:

Annual emissions = Σ Daily emissions within the calendar year.

(3) *Calendar Day* means a 24-hour period starting at 12 midnight and ending at 12 midnight, 24 hours later.

(4) *Clock Hour* means a twenty-fourth ($\frac{1}{24}$) of a calendar day; specifically any of the standard 60-minute periods in a day that are identified and separated on a clock by the whole numbers one (1) through 12.

(5) *Continuous Emission Monitoring System or CEMS* means all continuous concentration and volumetric flow rate monitors, associated data acquisition equipment, and all other equipment necessary to meet the requirements of this section for continuous monitoring.

(6) *Daily Emissions* means the amount of SO$_2$ emitted in a calendar day, expressed in pounds per day rounded to the nearest tenth ($\frac{1}{10}$) of a pound, where:

Daily emissions = Σ 3-hour emissions within a calendar day.

(7) *EPA* means the United States Environmental Protection Agency.

(8) *Exhibit* means for a given facility named in paragraph (a) of this section, exhibit A to the stipulation of the Montana Department of Environmental Quality and that facility, adopted by the Montana Board of Environmental Review on either June 12, 1998, or March 17, 2000.

(9) *1998 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on June 12, 1998.

(10) *2000 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on March 17, 2000.

(11) *Flare* means a combustion device that uses an open flame to burn combustible gases with combustion air provided by uncontrolled ambient air around the flame. This term includes both ground and elevated flares.

(12) The initials *Hg* mean mercury.

(13) *Hourly* means or refers to each clock hour in a calendar day.

(14) *Hourly Average* means an arithmetic average of all valid and complete 15-minute data blocks in a clock hour. Four (4) valid and complete 15-minute data blocks are required to determine an hourly average for each CEMS per clock hour.